

ASSEMBLY BILL

No. 1559

Introduced by Assembly Member Dodd
(Principal coauthor: Senator McGuire)

January 4, 2016

An act to amend Sections 6459, 7656, 8754, 30185, 32253, 38405, 40065, 41054, 43154, 45152, 46153, 50111, 55041, and 60208 of the Revenue and Taxation Code, relating to tax administration, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

AB 1559, as introduced, Dodd. State Board of Equalization: returns and payment: extension: disaster.

Existing law authorizes the State Board of Equalization for good cause to extend the time, not to exceed one month, for a taxpayer, and to extend the time for more than one month for specified persons if a budget for the state has not been adopted by a specified date, to submit any return or pay any amount required to be paid under provisions of the Sales and Use Tax Law, the Motor Vehicle Fuel Tax Law, Use Fuel Tax Law, Cigarette and Tobacco Products Tax Law, Alcoholic Beverage Tax Law, Timber Yield Tax, Energy Resources Surcharge Law, Emergency Telephone Users Surcharge Act, Hazardous Substances Tax Law, Integrated Waste Management Fee Law, Oil Spill Response, Prevention, and Administration Fees Law, Underground Storage Tank Maintenance Fee Law, Fee Collection Procedures Law, and Diesel Fuel Tax Law, under specified conditions.

This bill would authorize the board, in the case of a disaster, to allow an extension for up to 3 months under the same conditions as the extension for good cause.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6459 of the Revenue and Taxation Code
2 is amended to read:

3 6459. (a) ~~The~~ (1) *Except as provided in subdivisions (b) and*
4 *(c), the* board for good cause may extend for not to exceed one
5 month the time for making any return or paying any amount
6 required to be paid under this part. The extension may be granted
7 at any time provided a request therefor is filed with the board
8 within or prior to the period for which the extension may be
9 granted.

10 (2) Any person to whom an extension is granted shall pay, in
11 addition to the tax, interest at the modified adjusted rate per month,
12 or fraction thereof, established pursuant to Section 6591.5, from
13 the date on which the tax would have been due without the
14 extension until the date of payment.

15 (b) (1) The board may grant an extension for more than one
16 month if both of the following conditions occur:

17 ~~(1)~~

18 (A) A budget for the state has not been adopted by July 1.

19 ~~(2)~~

20 (B) The person requesting the extension is a creditor of the state
21 who has not been paid because of the state's failure to timely adopt
22 a budget.

23 ~~Any~~

24 (2) ~~Any~~ extension granted under this subdivision shall expire
25 no later than the last day of the month following the month in
26 which the budget is adopted or one month from the due date of
27 the return or payment, whichever comes later.

28 ~~Any~~

29 (3) ~~Any~~ person to whom an extension has been granted under
30 this subdivision shall pay, in addition to the tax, interest at the
31 modified adjusted rate per month, or fraction thereof, established
32 pursuant to Section 6591.5, from the date on which the tax would
33 have been due without the extension until the date of payment.

1 However, no interest shall be due on that portion of the payment
2 equivalent to the amount due to the person from the state on the
3 due date of the payment.

4 *(c) (1) In the case of a disaster, the board, for a period not to*
5 *exceed three months, may extend the time for making any report*
6 *or return or paying any tax required under this part. The extension*
7 *may be granted at any time provided a request therefor is filed*
8 *with the board within or before the period for which the extension*
9 *may be granted.*

10 *(2) Any person to whom an extension is granted shall pay, in*
11 *addition to the tax, interest at the modified adjusted rate per month,*
12 *or fraction thereof, established pursuant to Section 6591.5, from*
13 *the date on which the tax would have been due without the*
14 *extension until the date of payment.*

15 SEC. 2. Section 7656 of the Revenue and Taxation Code is
16 amended to read:

17 7656. ~~The~~*(a) Except as provided in subdivision (b), the board*
18 *for good cause may extend for not to exceed one month the time*
19 *for making any report or return or paying any tax required under*
20 *this part. The extension may be granted at any time if a request*
21 *therefor is filed with the board within or prior to the period for*
22 *which the extension may be granted.*

23 *(b) In the case of a disaster, the board, for a period not to exceed*
24 *three months, may extend the time for making any report or return*
25 *or paying any tax required under this part. The extension may be*
26 *granted at any time provided a request therefor is filed with the*
27 *board within or before the period for which the extension may be*
28 *granted.*

29 ~~Any~~

30 *(c) Any person to whom an extension is granted shall pay, in*
31 *addition to the tax, interest at the modified adjusted rate per month,*
32 *or fraction thereof, established pursuant to Section 6591.5, from*
33 *the date on which the tax would have been due without the*
34 *extension to the date of payment.*

35 SEC. 3. Section 8754 of the Revenue and Taxation Code is
36 amended to read:

37 8754. ~~The~~*(a) Except as provided in subdivision (b), the board*
38 *for good cause may extend for not to exceed one month the time*
39 *for making any return or paying any tax required under this part.*
40 *The extension may be granted at any time; provided, a request*

therefor is filed with the board within or prior to the period for which the extension may be granted.

(b) In the case of a disaster, the board, for a period not to exceed three months, may extend the time for making any report or return or paying any tax required under this part. The extension may be granted at any time provided a request therefor is filed with the board within or before the period for which the extension may be granted.

~~Any~~

(c) Any user to whom an extension is granted shall pay, in addition to the tax, interest at the modified adjusted rate per month, or fraction thereof, established pursuant to Section 6591.5, from the date on which the tax would have been due without the extension to the date of payment.

SEC. 4. Section 30185 of the Revenue and Taxation Code is amended to read:

30185. *(a) Except as provided in subdivision (b) and otherwise provided in Section 30172, the board for good cause may extend for not to exceed one month the time for making any report or return or paying any amount of tax required under this part. The extension may be granted at any time provided a request therefor is filed with the board within or prior to the period for which the extension may be granted.*

(b) In the case of a disaster, the board, for a period not to exceed three months, may extend the time for making any report or return or paying any tax required under this part. The extension may be granted at any time provided a request therefor is filed with the board within or before the period for which the extension may be granted.

~~Any~~

(c) Any person to whom an extension is granted pursuant to this section shall pay, in addition to the amount of tax, interest at the modified adjusted rate per month, or fraction thereof, established pursuant to Section 6591.5, from the date on which the amount of tax would have been due without the extension to the date of payment.

SEC. 5. Section 32253 of the Revenue and Taxation Code is amended to read:

1 32253. ~~The~~(a) *Except as provided in subdivision (b), board*
2 *for good cause may extend for not to exceed one month the time*
3 *for making any report or paying any tax.*~~Any~~

4 (b) *In the case of a disaster, the board, for a period not to exceed*
5 *three months, may extend the time for making any report or return*
6 *or paying any tax required under this part. The extension may be*
7 *granted at any time provided a request therefor is filed with the*
8 *board within or before the period for which the extension may be*
9 *granted.*

10 (c) Any person to whom an extension is granted and who pays
11 the tax within the period for which the extension is granted shall
12 pay, in addition to the tax, interest at the modified adjusted rate
13 per month, or fraction thereof, established pursuant to Section
14 6591.5, from the date the tax would have been due without the
15 extension to the date of payment.

16 SEC. 6. Section 38405 of the Revenue and Taxation Code is
17 amended to read:

18 38405. ~~The~~(a) *Except as provided in subdivision (b), the board*
19 *for good cause may extend for not to exceed one month the time*
20 *for making any return or paying any amount required to be paid*
21 *under this part. The extension may be granted at any time provided*
22 *a request therefor is filed with the board within or prior to the*
23 *period for which the extension may be granted.*

24 (b) *In the case of a disaster, the board, for a period not to exceed*
25 *three months, may extend the time for making any report or return*
26 *or paying any tax required under this part. The extension may be*
27 *granted at any time provided a request therefor is filed with the*
28 *board within or before the period for which the extension may be*
29 *granted.*

30 ~~Any~~

31 (c) Any person to whom an extension is granted shall pay, in
32 addition to the tax, interest at the adjusted annual rate established
33 pursuant to Section 19521 from the date on which the tax would
34 have been due without the extension until the date of payment.

35 SEC. 7. Section 40065 of the Revenue and Taxation Code is
36 amended to read:

37 40065. ~~The~~(a) *Except as provided in subdivision (b), the board*
38 *for good cause may extend not to exceed one month the time for*
39 *making any return or paying any amount required to be paid under*
40 *this part. The extension may be granted at any time provided a*

request therefor is filed with the board within or prior to the period for which the extension may be granted.

(b) In the case of a disaster, the board, for a period not to exceed three months, may extend the time for making any report or return or paying any tax required under this part. The extension may be granted at any time provided a request therefor is filed with the board within or before the period for which the extension may be granted.

~~Any~~

(c) Any person to whom an extension is granted shall pay, in addition to the surcharge, interest at the modified adjusted rate per month, or fraction thereof, established pursuant to Section 6591.5, from the date on which the surcharge would have been due without the extension of the date of payment.

SEC. 8. Section 41054 of the Revenue and Taxation Code is amended to read:

41054. ~~The~~*(a) Except as provided in subdivision (b), the board for good cause may extend not to exceed one month the time for making any return or paying any amount required to be paid under this part. The extension may be granted at any time provided a request therefor is filed with the board within or prior to the period for which the extension may be granted.*

(b) In the case of a disaster, the board, for a period not to exceed three months, may extend the time for making any report or return or paying any tax required under this part. The extension may be granted at any time provided a request therefor is filed with the board within or before the period for which the extension may be granted.

SEC. 9. Section 43154 of the Revenue and Taxation Code is amended to read:

43154. ~~The~~*(a) Except as provided in subdivision (b), the board for good cause may extend, for a period of time not to exceed one month, the time for making any return or paying any amount required to be paid under this part. The extension may be granted at any time provided a request therefor is filed with the board within or prior to the period for which the extension may be granted.*

(b) In the case of a disaster, the board, for a period not to exceed three months, may extend the time for making any report or return or paying any tax required under this part. The extension may be

1 *granted at any time provided a request therefor is filed with the*
2 *board within or before the period for which the extension may be*
3 *granted.*

4 ~~Any~~

5 *(c) Any person to whom an extension is granted shall pay, in*
6 *addition to the tax, interest at the modified adjusted rate per month,*
7 *or fraction thereof, established pursuant to Section 6591.5, from*
8 *the date on which the tax would have been due without the*
9 *extension until the date of payment.*

10 SEC. 10. Section 45152 of the Revenue and Taxation Code is
11 amended to read:

12 45152. (a) ~~The~~ *Except as provided in subdivision (b), the board*
13 *for good cause may extend, for not to exceed one month, the time*
14 *for making any report or return or paying any amount required to*
15 *be paid under this part. The extension may be granted at any time*
16 *if a request therefor is filed with the board within or prior to the*
17 *period for which the extension may be granted.*

18 *(b) In the case of a disaster, the board, for a period not to exceed*
19 *three months, may extend the time for making any report or return*
20 *or paying any tax required under this part. The extension may be*
21 *granted at any time provided a request therefor is filed with the*
22 *board within or before the period for which the extension may be*
23 *granted.*

24 ~~(b)~~

25 *(c) Any person to whom an extension is granted shall pay, in*
26 *addition to the fee, interest at the modified adjusted rate per month,*
27 *or fraction thereof, established pursuant to Section 6591.5 from*
28 *the date on which the fee would have been due without the*
29 *extension until the date of payment.*

30 SEC. 11. Section 46153 of the Revenue and Taxation Code is
31 amended to read:

32 46153. (a) ~~The~~ *Except as provided in subdivision (b), the*
33 *board, for good cause, may extend, for a period not to exceed one*
34 *month, the time for making any return or paying any amount*
35 *required to be paid under this part. The extension may be granted*
36 *at any time if a request for the extension is filed with the board*
37 *within or prior to the period for which the extension may be*
38 *granted.*

39 *(b) In the case of a disaster, the board, for a period not to exceed*
40 *three months, may extend the time for making any report or return*

1 *or paying any tax required under this part. The extension may be*
2 *granted at any time provided a request therefor is filed with the*
3 *board within or before the period for which the extension may be*
4 *granted.*

5 ~~(b)~~

6 (c) Any person to whom an extension is granted shall pay, in
7 addition to the fee, interest at the modified adjusted rate per month,
8 or fraction thereof, established pursuant to Section 6591.5 from
9 the date on which the fee would have been due without the
10 extension until the date of payment.

11 SEC. 12. Section 50111 of the Revenue and Taxation Code is
12 amended to read:

13 50111. (a) ~~The~~ *Except as provided in subdivision (b), the board*
14 *for a good cause may extend, for up to one month, the time period*
15 *within which a person is required to submit a report or pay a sum*
16 *of money under this part. The extension may be granted at any*
17 *time if a request is filed with the board within, or prior to the*
18 *commencement of, the period for which the extension may be*
19 *granted.*

20 (b) *In the case of a disaster, the board, for a period not to exceed*
21 *three months, may extend the time for making any report or return*
22 *or paying any tax required under this part. The extension may be*
23 *granted at any time provided a request therefor is filed with the*
24 *board within or before the period for which the extension may be*
25 *granted.*

26 ~~(b)~~

27 (c) Any person to whom an extension is granted shall pay, in
28 addition to the fee, interest at the modified adjusted rate per month,
29 or fraction thereof, established pursuant to Section 6591.5, from
30 the date on which the fee would have been due without the
31 extension until the date of payment.

32 SEC. 13. Section 55041 of the Revenue and Taxation Code is
33 amended to read:

34 55041. ~~The~~ (a) *Except as provided in subdivision (b), the board*
35 *for good cause may extend, for not to exceed one month, the time*
36 *for making any return or paying any amount required to be paid*
37 *under this part. The extension may be granted at any time if a*
38 *request therefor is filed with the board within or prior to the period*
39 *for which the extension may be granted.*

1 ***(b) In the case of a disaster, the board, for a period not to exceed***
2 ***three months, may extend the time for making any report or return***
3 ***or paying any tax required under this part. The extension may be***
4 ***granted at any time provided a request therefor is filed with the***
5 ***board within or before the period for which the extension may be***
6 ***granted.***

7 ~~Any~~

8 ***(c) Any to whom an extension is granted shall pay, in addition***
9 ***to the fee, interest at the modified adjusted rate per month, or***
10 ***fraction thereof, established pursuant to Section 6591.5 from the***
11 ***date on which the fee would have been due without the extension***
12 ***until the date of payment.***

13 SEC. 14. Section 60208 of the Revenue and Taxation Code is
14 amended to read:

15 60208. ~~The~~***(a) Except as provided in subdivision (b), the board***
16 ***for good cause may extend for a period not to exceed one month,***
17 ***the time for making any report or return or paying any tax required***
18 ***under this part. The extension may be granted at any time provided***
19 ***a request therefor is filed with the board within or prior to the***
20 ***period for which the extension may be granted.***

21 ***(b) In the case of a disaster, the board, for a period not to exceed***
22 ***three months, may extend the time for making any report or return***
23 ***or paying any tax required under this part. The extension may be***
24 ***granted at any time provided a request therefor is filed with the***
25 ***board within or before the period for which the extension may be***
26 ***granted.***

27 ~~Any~~

28 ***(c) Any person to whom an extension is granted shall pay, in***
29 ***addition to the tax, interest at the modified adjusted rate per month,***
30 ***or fraction thereof, established pursuant to Section 6591.5, from***
31 ***the date on which the tax would have been due without the***
32 ***extension to the date of payment.***

33 SEC. 15. This act is an urgency statute necessary for the
34 immediate preservation of the public peace, health, or safety within
35 the meaning of Article IV of the Constitution and shall go into
36 immediate effect. The facts constituting the necessity are:

1 In order for the Board of Equalization to meet urgent
2 administrative needs, it is necessary that this act take effect
3 immediately.

O